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Lamps,

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Hand Painted Glassware in Assorted Colors. Rogers Bros'. Al 1847 Silver-

Your Call Respectfully Solicited.

F. J. EDWARDS. - 19 MAIN STREET

C. A. COOPER

111 N. Main Street.

JEWELRY

Ladies' Solid Gold Watches at

RUMP ROBERTS IN COURT.

States Attorney Henri Haskell Con. tests With Thompson, Campbell and Sanders.

Judge Hunt Hears the Arguments and May Decide the Case This Week.

A Number of Spectators Present, Among Whom Were Several Members of the Legislature.

mentioned in his petition; that the relator was by the house of representatives of the state of Montana duly declared elected a member of said house on said 23d day of November: that the said house of representatives and provided that the constitution might for the people of Montana exercise legislative and had no authority or power to issue and sign as clerk the certificate given to Roberts on the state additor. Denies that Roberts is entitled to any sum of money from the state of Montana for any purpose whatever.

The answer was signed by Haskell as attorney, flassed and the decition of the state of Montana for any purpose whatever.

The answer was signed by Haskell as attorney general, but the blank verification attached to it remained unexecuted. Clerk Bean called Haskell's attention to the omission, while he appropriated a cigar or the desk in front of the state's attorney general, but the blank verification of the state o hope that the opposing counsel would over-look the defect. The state auditor, how-ever, "gave it away" a little later when on the stand, but Roberts' counsel were good natured and raised no objection about the

natured and raised no objection about the omission.

Roberts was put on the stand. He looks like a man of middle age, wears a chin beard and no collar. He answered the questions put to him in a voice marked by a decided burr. He had his certificate of election given him by the state canvassing board, and after identifying it the document was made a part of the records in the case. He also testified to his qualification on the 23d of last November, and of his serving the number of days set forth in his petition, and of his demand mnde on the state auditor for compensation as alleged in the petition.

Webster, chief clerk of the rump house, took the stand and read from the journal as to the organization of the rump house on the 23d of November; and as to the presence of thirty members on that occasion and the attendance of Roberts for the number of days set forth in his petition.

attendance of Roberts for the number of days set forth in his petition.

Anditor Kenney testified to his refusal to issue the certificate demanded by Roberts, on the ground that the legislature had made no appropriation to pay such certificate. He identified the certified copy of the returns of the state board of canvassers used by him in the organization of the house, and which had been given him by the secretary of state, said returns including the certificate of election of Roberts. cate of election of Roberts.

Secretary of State Rotwitt identified the

Secretary of State Rotwitt identified the certified copy last referred to, and also produced the original papers filed with him by the state board of canvassers, among them being the certificate of election of Roberts. The little attorney-general with the big voice opened the argument for the state. He held that ordinance 2 of the state constitution was void. The eighth subdivision of ordinance said: "The votes shall be returned and canvassed as provided by law." If it was assumed that ordinances one and two were a law, then the constitutional convention had no right to frame such law, because it was provided that all laws in force in the territory not in conflict with the constitution should remain in force after the admission of the state. The law in force at that time is found in section 1,033 of the fifth subdivision of the general laws. That section provides that the county canvassing boards shall canvass the returns and issue certificates of election. He called the attention of the judge to that part of the records of the secretary's office showing that the state canvassing board had no evidence before them of what the returns from Silver Bow county were. It was the duty of the board to send for and procure the returns of the county. The return only shows to what extent they proceeded to ascertain what the returns were. The findings of the state board of canvassers were not in accordance with the facts before them, and their returns were untrue and the ings of the state board of canvassers were not in accordance with the facts before them, and their returns were untrue and the certificate issued thereon to Roberts had no validity in law. He insisted that the state had a right to go behind the certificate in this case. He cited the twentieth and thirtieth California reports, the fourth Wisconsin and McCreary on Elections in support of his position. Thompson Campbell, one of Roberts' counsel, a man about Haskell's size and with a wrinkled face, undertook to demolish the argument of the state's attorney. He told the court that ordinance 2 of the state constitution was a part and parcel of that instrument: that it, with the constitution, had been submitted to the people and had been adopted. To uphold this point he read from the syllabilia of a case on page 546 of the internal Texas reports.

reports.

The state's attorney second to think that the ordinance did not affect or repeal that section of the laws of the territory of Montana which governs the characteristic of votes for members of the legislature. He and his co-counsel said it did. He rend from section six of ordinance two was effects it provided should be elected. provided should be elected to s ction eight of the ordin.
"The votes for the above off The votes for the above officers shall be returned and canvassed as is provided by law, and returns shall be made to the secretary of the territory, and canvassed in the same manner and by the same board as is the vote upon the constitution." He further argued that there was nothing in the ordinance that the certificates should be issued, but it naturally followed that the board abould declare the result and issue certificates notifying the parties of the result of the election.

The authorities cited by the state's attorney would not apply in any other character music store, Bailey block, Main street,

The stock and upwards at The Bee Hive.

Lamps at 25 cents and upwards at The Bee Hive.

For Sale in San Francisco, Cal.

The stock and fixtures of a livery stable now doing a good paying business. A rare opportunity is here offered for a party to step right into a nice paying business. For full particulars call on W. Jackson at nis music store, Bailey block, Main street,

If you are in need of a lamp be sure and see

ney would not apply in any other character of case except a contest case. The only question his honor had to decide was whethquestion his nonor and to decide was whether the state board under the enabling act had a right to declare the result, and having done so, to issue a certificate on that declaration. It was solely within the province of the legislative assembly to pass upon the qualification and election of its own members. The counsel then took his seet with a confident six.

sent with a confident cir.

His colleague, the War Horse, next engaged the attention of the court. He did not care to add more than a word or two. A chain was never stronger than the weak est link in it; and we have struck in this came the weakest link of the system of government under which we live. On a number of occasions before, right at this point, democratic institutions had falled to some extent. This had occurred to some extent. This had occurred to the state of Louisiana, the state of South Carolina and the state of Ilbode Island. The corour condition of the public mind every two years when the house of representatives of the congress of the United States was pointedly closely divided, shows that the very matter involved in this inquiry was the weak point in our government. It is a part of good citizenship not to make it any wonker, and to trace the line of authority to associate in where it apposes and to enforce its.

The above line, consisting of the Minne-apolis & Manitoba and Montana Central railways, via Butte, in connection with the Union Pacific and Southern Pacific railways, has been reopened for the freight and passenger business to and from San Francisco, Portland and other Pacific costs points. This will be a great convenience for Helena merchants and the traveling public.

Only a few children's cloaks left at The Bee Hive.

At very good unlaundried white shirt only 50 cents at The Bee Hive.

Twenty-five per cent discount on all suits and trousings for thirty days only at John B. Johnson's.

All Ready.

The toboggan slide on Helena avenue is all ready for business. Come and bring your best girl.

"Sanitary Engineering."

Plans and Specificationg for fine plumbing. See O'Brien. The Plumbor.

power. He didn't doubt at all that in Montana today, if we had the benefit of all the discussions that had taken place upon such situations, we would not now be humiliated, annoyed or harrassed by the spectacle we present to ourselves and the world. He laid down the proposition that under our system of government authority always reposed somewhere. There was no interregnum when the ballot left the hand of the voter until the time when he was represented in the legisletive assembly.

The Major Budd, Southern Cross and Park Mines.

Mr. B. S. Fine, one of the stockholders of the Major Budd, was in the city yesterday, and stated that the prospects of the mine were never better. He was here, he said, for the purpose of consulting with his attorney in the action of J. J. Mulally vs. was represented in the legislative assembly. And so he said with reference to this election there were from many books and statutes a plain rule of law applicable to every such case. We could not afford, because it has been demonstrated that governmental institutions are not perfect, that therefore we shall throw them away. Be-cause the laws under which we live do not satisfy everybody was no reason why we should appeal to anarchy, but we should prevent them as well as we can. We should be content to live under the best laws human ingenuity can devise.

If Mr. Roberts had not been in attendance; it has had not been in attendance; it had not been in attendance; it has had not been in attendance; it had not been in attendance; it has had not been in attendance; it had not been in attendance; it has had not been in attendance; it had not been in atte

Club. Enquired of one interior.

Converting about the constitutional convention which conditions with condition with conditions with condition with conditions with conditions of the vision of the vision of the conditions.

It man perfectly our level for the condition of the con

States Attorney Henri J. Haskell thinks cord. that the judge will render a decision some time this week.

Double and single Portland sleighs, scroll dash and O. G. backs, at T. C. Power &

Ladies' and children's underwear very cheap at The Bee Hive.

A New Painting.

Alarm clocks only \$1.25 at The Bee Hive.

The above line, consisting of the Minne-

Dull Sales During the Holidays-A Library

Real Estate Transfers. The following are the real estate transfers filed yesterday with the clerk and re

Richard A. Harlow to George U. Hollett, lot 16, block 17, Grand avenue addition. \$ Mattie H. Smffin. trustee, to George U. Hollett, lot 4, block 604, Hoback addi-

Something New, Beautiful Russian sleighs at T. C. Power

Pictures of all kinds at The Bee Hive. Ten per cent. discount on all crockery, china-ware and glassware for seven days at The Bee

Buy your Christmas elippers at Fred Gamer's the largest and best selected stock in town.

A FEW POINTERS ON MINES. The Major Budd, Southern Cross and Park

torney in the action of J. J. Mulally vs Schwab & Zimmerman and the Major Budd mining company. Mr. Fine, who is a resident of Butte, left for home yesterday evening and will take a trip to St. Louis in a few days. Like all others, he pronounces Butte the greatest mining camp on earth.

The ore now being run through the Southern Cross mill is taken from the 250 foot Building Advocated and Improvements on Broadway.

The old year has nearly reached its fulless of days and is received and its results and results and

Train No. 7. Marysville ... 6:40 p. m.
Train No. 8. Marysville ... | 4:00 p. m.
B. H. LANOLEY,
(ieneral Ticket Agent. Three nice furnished rooms at Oro Fino Club. Enquire of Folk & Devine.

Ball's Cabinets at \$3 Per Dozen Cabinet photos \$3 per dozen at Ball's gallery, Helena avenue, corner Warren, on A GRAND DISPLAY Cabinet photos \$3 per dozen at Ball's

G. W. Jackson, music dealer, Bailey Three Stone Diamond Rings at James W. Barker, merchant tailor, Main Five Stone Diamond Rings at - \$25 street, opposite First National bank.

Go to H. Nicholson Co's, for the best hay and grain at lowest prices, Cordwood delivered in any quantity, Telephone 243.

Elegant Diamond Earrings at - \$25 Go east via the Montana Central and Manitoba railways, the new sleeping and dining car route to St. Paul and the east. Through trains leave Helena daily at 11:35 C. A. COOPER, - Pittsburg Block.

CAPS, GLOVES,

Robes, Etc.

PRICES Real

The Most Desirable Property in this Growing City is now Offered to those Desiring Quick Returns on Money Invested.

Lots can now be purchased that will yieldInvestors

100 PER CENT

within Ninety Days.

JNO. S. M. NEILL,

ROOMS 6 AND 7, ASHBY BLOCK, HELENA, MONT

THE LEADING

ELEGANT : DISPLAY S H O E

J. P. WOOLMAN & CO.,

Who handle all the Latest Novelties in FASHIONABLE FINE FOOTWEAR, the Finest assortment of Slippers and Ties ever shown in the west, are also agents for JOHNSTON & MURPHY'S FINE FOOTWEAR.

NEXT TO FIRST NATIONAL BANK.

FOR SALE!

A New, Commodious Cottage, on Fifth Avenue. Contains Four Rooms, Pantry, Two Closets; City Water.

ONLY \$1,800.

Plush Goods in Endless Variety. \$100 DOWN; \$25 PER MONTH.

Matheson & Steele,

HELENA, MONTANA.

WHAT TO BUY.

Holiday Novelties in

nues. The Montana Central local trains are to stop opposite this lot, and the street car DIAMONDS, WATCHES SILK UMBRELLAS, SILK HANDKERCHIEFS,

SILK MUFFLERS, LINEN HANDKERCHIEFS.

Plush and Leather Collar and Cuff Boxes.

FANCY FLANNEL & LINEN NIGHTSHIRTS, Fine Neckwear, at

GANS & KLEIN'S.

DRUGGISTS,

HAND AND STAND LAMPS VERY CHEAP OFFER A FEW

To Close Out the Stock.

CLOSING OUT SALE.

The I. X. L. Bazaar, ONE PRICE CASH STORE, One Door North of Grand Central Hotel, Offers Great Reductions FOR ONE WEEK ONLY

LADIES' & CHILDREN' CLOAKS.

LADIES CLOAKS, WORTH \$25,00. FOR \$12. LADIES' CL AKS, WORTH \$20.00 FOR \$10. LADIES' CLOAKS, WORTH 7.00, F 118 89. LADIES' CLOAKS, WORTH \$15.00, F' R 88. LADIES' CLOAKS, WORTH \$1....., F' OR \$7. LADIES' CLOAKS, WORTH \$10.00, F OR \$5. LADIES' CLOAKS, WORTH \$ 8.00, FOR \$4.

ORDERS FROM COUNTRY PROMPTLY ATTENDED TO. MAIN STREET. H. BARNETT.

OVERCOATS OVERCOATS!

This being the season when OVERCOATS are in demand We would call Your Attention to the fact that the

PLYMOUTH CLOTHING HOUSE

is throwing out Greater Inducements than any other house in the city; not only in Overcoats, but also in Clothing and Gents' Furnishing Goods. Space does not permit our mentioning all our Bargains. Call and see us.

MAIN STREET. LEVY & ELIAS,

PRICES CUT FOWLES' CASH STORE WILL CLOSE AT 6 P. M.

DURING

BABCOCK'S, January and February.